

and

means, responsive to the production of said indication by said means for measuring time, for forwarding the received user message to the activated secondary mobile station of the recipient.

18. System according to Claim 15, wherein the means for activating a secondary mobile station of the recipient as the receiver of user messages addressed to the primary mobile station comprises means for conducting the activation from the secondary mobile station to be activated.

REMARKS

Claims 1 - 3 and 5 - 9 have been amended and Claims 10 - 18 have been added.

Claims 1 - 18 are in the case.

REJECTIONS:

Most of the claims in the parent case were rejected under 35 U.S.C. § 103(a) as obvious and unpatentable over the reference EMERY ET AL (US 5,353,331) on the grounds that EMERY discloses most of the claimed features and those lacking would be obvious to implement as claimed.

Dependent Claims 7 and 8 were specifically rejected under 35 U.S.C. § 103(a) as obvious and unpatentable over the reference EMERY ET AL (US 5,353,331) in view of the reference KITZIK (US 5,983,073) on the grounds that EMERY discloses all of the claimed features except messages that are generated on the basis of notification of calendar events, for which feature KITZIK was offered.

REPLY:

The claims have been amended to emphasize the fact that the recited "message" is a "user message", such as an SMS message and as distinguished from a voice call, and claims have been added to define the features of the invention from this perspective.

Regarding the prior art rejections, Applicant would like again to emphasize that the invention involves a method and system in which user messages, e.g., Short Message Service (SMS) messages, addressed to a recipient's primary mobile station that receives both voice calls and messages, can be directed to any one of the secondary mobile stations of the recipient. The rejection of Applicant's claims on the teachings of the reference EMERY alone, in the Final Rejection in the parent case, contended that EMERY discloses a method for the transmission of messages using a message service to the mobile station of a recipient. However, Applicant noted that the feature of EMERY that the rejection addresses actually concentrates on mobility control and the transferring or controlling of a voice call. It does not relate in any way to text or data messages or SMS technology, i.e., "user messages", toward which Applicant's invention is directed. No mention can be found in EMERY to SMS, text or data messages, paging, or a short message service center (SM-SC), that is, to technology in which Applicant's invention is applicable and implementable and which is now more distinctly defined in the claims.

Applicant again emphasizes that those of skill in the art would not look to EMERY's teaching with regard to Applicant's invention as they would understand that, since EMERY's teaching is directed to and concentrates on mobility control performed in the core of a communication network, it could be expected to offer nothing of pertinence in dealing with message technology. In contrast to EMERY's communication network, a short message service center (SM-SC), handling "user messages" such as to which Applicant's invention relates, is generally an optional network unit outside

the communication network, and therefore constitutes, in a manner, a separate area in telecommunications. Nevertheless, even in short message service, an access or gateway must be established between the telephone network and the SM-SC by the service provider (telephone operator). Therefore, throughout EMERY, the term "messaging" relates to out-of-band messaging, that is, call signalling, which concerns signalling during a voice call. Accordingly, the teachings of EMERY are concentrated on voice call processing, so that EMERY does not cover text or data messages, such as SMS messages, received by the user to his or her mobile station from another mobile station or a computer, as covered in Applicant's invention. By comparison with that of Applicant's invention, all messaging in EMERY is performed by a network element (more particularly the central office switching system and mobility control), but never by the user as is possible with Applicant's invention. The only operation performed by the user in EMERY is call transfer, but as noted in EMERY, this was already well known as such (DTMF, Col. 30, lines 17-53). Also in Col. 30, EMERY consistently discusses the transfer of calls, i.e., voice calls, never the transfer of SMS or data or text messages or calendar data, to which Applicant's invention is directed.

An important feature of Applicant's invention is that it enables text messages to be directed to a secondary mobile phone even if voice calls are directed to the primary mobile phone. This is specified in Claim 1, where it is defined that "user messages ... can be directed to any of the secondary mobile stations of the recipient, irrespective of whether the primary mobile station is in use". This function provides the advantage that although the recipient's primary telephone may be in use, e.g., by other family members on a normal voice call, the recipient can still direct important messages to a secondary mobile station carried with him.

Further, a user can, irrespective of the message transfer function, call the primary mobile station being carried by another person or family member (see Page 5, line 32 to Page 6, line 6).

EMERY, whose teachings only refer to voice calls, and more specifically, to directing certain voice calls to other terminal points, such as a voice mailbox (e.g., Column 8, lines 62 and 63) or a terminal point such as might be assigned to a secretary (Column 9, lines 4 and 5), does not offer anything that would suggest types of solutions to messaging traffic problems. Even the initial situation in EMERY is significantly different from that of Applicant's invention wherein the user may have several personal mobile stations with different properties, e.g., related to functions provided, or size or weight. With Applicant's invention the user does not always have to carry his or her primary mobile station, which can be of advantage if it is of a considerably larger size, e.g., because of such features as Internet, facsimile, or advanced calendar solutions that may require a larger display. The recipient may in this and other situations wish to carry a secondary mobile station, e.g., one of very small size, and can still utilize the aforementioned advantages of the invention (Page 1, lines 30-38). The teachings of EMERY do not bring about solutions for these kinds of situations, but rather, they merely offer the recipient the possibility of directing his or her calls elsewhere, e.g., to a voice mail or secretary. It is therefore submitted that EMERY's teaching is inapposite and Applicant's claims which now more particularly define his invention are patentably distinguishable over it.

Regarding the rejection of Claims 7 and 8 on EMERY in view of DITZIK, it should first be understood that the signalling channels as set forth in EMERY cannot be used for data transfer, only for maintaining voice calls and signalling relating to such calls. Further, in view of this and the other factors explained above, it is not seen how the mere combination of EMERY and DITZIK would produce a result that could eliminate or solve the problem of how to differentiate calls and SMS messages and direct them to different mobile stations, particularly in the manner as taught by Applicant's invention (e.g., Page 5, lines 1-9).

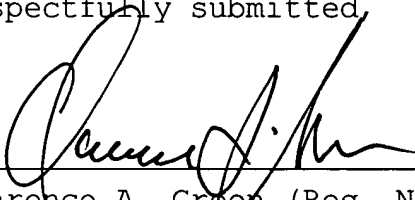
Based on the significant differences delineated above between Applicant's invention, as now particularly defined in the claims, and the teaching of EMERY, taken alone or with that of KITZIK, it is submitted that the cited art fails to render all of the Claims 1 - 18 unpatentable under 35 U.S.C. §103(a) so that they all should be allowed.

In summary, then, it is believed that the application is now in complete conformance with the requirements of the statutes and the claims are patentably distinguishable over the prior art, so that a prompt consideration and allowance of all of the claims and passage to issue of this application is earnestly solicited and respectfully requested.

Corrected formal drawings to replace the informal drawings filed with the application will be submitted upon allowance.

In the event that any fee, in addition to the filing fee, is required for the entry and consideration of this Amendment, it is authorized and requested that such fee be deducted from Deposit Account No. 16-1350, and the Amendment be timely entered.

Respectfully submitted,



Clarence A. Green (Reg. No. 24,622)



Date

Perman & Green, LLP
425 Post Road
Fairfield, CT 06430
Customer No.: 2512

Tel. (203) 259-1800
Fax. (203) 255-5170

Application SERIAL NO.: 09/138,218

MARKED-UP CLAIM(S)

1. (Twice Amended) Method for the transmission of user messages using a message service to the mobile station of a recipient, who has a primary mobile station capable of receiving at least voice calls and user messages, and at least one secondary mobile station, capable of receiving at least user messages, comprising the step of directing user messages addressed to the primary mobile station to any of the secondary mobile stations of the recipient, irrespective of [calls to and from] whether the primary mobile station is in use.

2. (Twice Amended) Method according to Claim 1, wherein a secondary mobile station of the recipient is activated as the receiver of user messages to be transmitted to the primary mobile station so that user messages addressed to the primary mobile station are directed to the activated secondary mobile station.

3. (Thrice Amended) Method according to Claim 1, wherein the user messages are generated on the basis of the notification of calendar events.

5. (Thrice Amended) Method according to Claim 2, further comprising the steps of:

using a data computing device of the recipient for informing of a received user message to the recipient and to acknowledge the received user message by the recipient, and

first directing the received user message to the data computing device and, if the user message is not acknowledged by a determined time, forwarding the user message to the

activated mobile station.

6. (Twice Amended) System for the transmission of user messages from a sender to a recipient, who has a primary mobile station comprising at least means for receiving voice calls and means for receiving user messages, and at least one secondary mobile station comprising at least means for receiving user messages, wherein the improvement comprises:

means for activating a secondary mobile station of the recipient to receive user messages addressed to the primary mobile station, and

means for directing user messages addressed to the primary mobile station to the activated secondary mobile station irrespective of [calls to and from] whether the primary mobile station is in use.

7. (Twice Amended) System according to Claim 6, wherein the user messages are generated on the basis of the notification of calendar events.

8. (Thrice Amended) System according to Claim 6, further comprising:

a data computing device, which comprises means for receiving a user message and means for informing of the receipt of [the received] a user message,

means for first directing [the received] a user message to the data computing device,

means for measuring time and producing an indication if the means for informing of the receipt of [the received] a user message does not inform by a determined time,

and

means, responsive to the production of said indication by said means for measuring time for forwarding the received user message to the activated mobile station of the recipient.

9. (Amended) System according to Claim 6, wherein the means for activating a secondary mobile station of the recipient as the receiver of user messages addressed to the primary mobile station comprises means for conducting the activation from the secondary mobile station to be activated.